

1 The Foundation

1.1 THE NATIONAL PARK IDEA

The world's first national park -- Yellowstone -- was created in 1872, at which time Congress set aside more than 1 million acres as "a public park or pleasuring ground for the benefit and enjoyment of the people." The legislation assigned control of the new park to the Secretary of the Interior, who would be responsible for issuing regulations to provide for the "preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition." Other park management functions were to include the development of visitor accommodations, the construction of roads and bridle trails, the removal of trespassers, and protection "against the wanton destruction of the fish and game found within the park" (16 USC 21-22).

This idea of a national park was an American invention of historic consequences, marking the beginning of a worldwide movement that has subsequently spread to more than 100 countries and 1,200 national parks and conservation preserves. However, when Yellowstone National Park was created, no concept or plan existed upon which to build a system of such parks. The concept now described as the national park system, which embraces a wide variety of nationwide natural and cultural resources, evolved slowly over the years--often through the consolidation of federal land management responsibilities.

As interest grew in preserving the great scenic wonders of the West, efforts were also under way to protect the sites and structures associated with early Native American culture, particularly in the Southwest. In 1906, the Antiquities Act authorized the President "to declare by public proclamation [as national monuments] historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" (16 USC 431).

In 1916, Congress created the National Park Service¹ in the Department of the Interior to "promote and regulate the use of the Federal areas known as national parks, monuments, and reservations (16 USC 1).

1.2 THE NATIONAL PARK SYSTEM

The number and diversity of parks within the national park system grew as a result of a 1933 government reorganization, another following World War II, and again during the 1960s. Today there are more than 375 units in the national park system. These units are variously designated as national parks, monuments, preserves, lakeshores, seashores, wild and scenic rivers, national trails, historic sites, military parks, battlefields, historical parks, recreation areas, memorials, and parkways. Regardless of the many names and official designations of the park lands that make up the national park system, all represent some significant aspect of our natural or cultural heritage. They are the physical remnants of our past, and great scenic and natural places that continue to evolve. They provide recreation in natural settings. They are classrooms of

¹ The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeably in this document.

our heritage. They are the legacy we leave to future generations.

1.3 CRITERIA FOR INCLUSION

The National Park Service is responsible for studying potential additions to the national park system when specifically authorized by an Act of Congress. Several laws outline criteria for units of the national park system, for additions to the national wild and scenic rivers system, and for additions to the national trails system. To receive a favorable recommendation from the Service as a unit of the national park system, a potential new area must (1) possess nationally significant natural or cultural resources; (2) be a suitable addition to the system; (3) be a feasible addition to the system; and (4) require direct NPS management or administration, instead of alternative protection by other agencies or the private sector. These criteria are designed to ensure that the national park system includes only outstanding examples of the nation's natural and cultural resources. They also recognize that there are other management alternatives for preserving the nation's outstanding resources.

1.3.1 National Significance

An area is considered nationally significant if it (1) represents the most important example of a particular type of resource; (2) possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage; (3) offers superlative opportunities for public enjoyment or for scientific study; and (4) retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource. National significance for cultural resources is evaluated consistent with the criteria for National Historic Landmarks in 36 CFR Part 65.

1.3.2 Suitability

An area is considered suitable for addition to the national park system if it represents a natural or cultural theme that is not already adequately represented in the national park system, or is not comparably represented and protected for public enjoyment by other federal agencies; tribal, state, or local governments; or the private sector. Adequacy of representation is determined on a case-by-case basis by comparing the potential addition to other comparably managed areas representing the same theme or resource type, while considering differences or similarities in the character, quality, quantity, or combination of resource values. The comparison results in a determination of whether the proposed new area might expand, enhance, or duplicate resource-protection or visitor-use opportunities found in other comparably managed areas.

1.3.3 Feasibility

An area is considered feasible for addition to the national park system if it (1) is of sufficient size and appropriate configuration to ensure long-term protection of the resources, and to accommodate public use, and (2) has potential for efficient administration at a reasonable cost. Important feasibility factors include landownership, acquisition costs, access, threats to the resource, existing levels of impairment, staff or development requirements, long-term management costs, the level of local and general public support, and

the socioeconomic-economic impacts of designation as a national park.

1.3.4 Direct Management

There are many excellent examples of successful management of important natural and cultural resources by other public agencies and private conservation organizations. The National Park Service applauds these accomplishments, and actively encourages the expansion of state and private conservation activities. Unless direct Park Service management of a studied area is identified as the only practicable alternative or a clearly superior alternative, the Service will recommend that one or more of these other entities assume a lead management role, and that the area not receive national park system status. In cases where some sort of shared management or partnership arrangement seems advantageous, the Service will recommend that the studied area become a unit of the national park system only when the key management decisions affecting the area's natural and cultural resources would be made by the Service. Where key management decisions would not be made by the Service, the Service may instead recommend an alternative status, such as "affiliated" area or "heritage" area. These alternatives would recognize an area's significance to the nation, without requiring or implying management by the federal government.

1.4 PARK MANAGEMENT

1.4.1 The Laws Generally Governing Park Management

The most important general direction for Park Service managers is provided by interrelated provisions of the NPS Organic Act of 1916, and the NPS General Authorities Act of 1970, including amendments to the latter law enacted in 1978.

The key management-related provisions of the Organic Act is:

[The National Park Service] shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified . . . by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC 1)

Congress supplemented and clarified these provisions through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law. The key management-related provisions of the General Authorities Act, as amended in 1978, are:

Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and

collectively, these areas derive increased national dignity and recognition of their superlative environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress. (16 USC-11a)

This section 1.4 of *Management Policies* represents the agency's interpretation of these key statutory provisions.

1.4.2 Definitions

As used in *Management Policies* the following terms have the meanings indicated.

“Enjoyment” includes deriving benefit (including scientific knowledge) or inspiration from a park, and includes enjoyment both by people who directly experience the park and by those who appreciate it from afar.

The “impairment of park resources and values” is an adverse impact on one or more park resources or values that interferes with the integrity of the park's resources or values, or with the opportunities that otherwise would exist for the enjoyment of them by the present or a future generation. Impairment may occur from visitor activities, NPS activities in managing a park, or activities undertaken by concessioners, contractors, and others operating in a park. This definition encompasses both the impairment of park scenery, natural and historic objects, and wildlife (which is prohibited by the Organic Act), and the derogation of the values and purposes for which parks have been established (which is prohibited by the General Authorities Act).

“Park resources and values” are all the resources and values of a park whose conservation is essential to the purposes for which the area was included in the national park system, including both the Organic Act's fundamental purpose for all parks, as supplemented and clarified by the General Authorities Act, and any additional purposes stated in a park's establishing legislation or proclamation. Under the Organic Act and the General Authorities Act, these resources and values always include, but are not limited to, all of the following, to the extent they are present in a park: the biological and physical processes that created the park and continue to act upon it; scenic features; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites and structures; museum collections; native plants and animals; and clear daytime vistas and night skies. The term also includes opportunities to

experience enjoyment of the above resources and values, to the extent that can be done without impairing any of them.

Park resources and values do not include any attributes of a park whose conservation is not essential to the purposes for which a park was included in the national park system. For example, the term does not include non-native species or man-made structures that are not historic or prehistoric, unless their conservation is essential to a specific additional purpose for which an individual park was established.

1.4.3 The Application of These Laws In All Parks

These provisions of the Organic Act and the General Authorities Act apply equally in each unit of the national park system, regardless of whether they are repeated in the legislation or proclamation establishing the park. So, for example, even if the express purposes in the enabling legislation of a park refer only to certain cultural resources and values, that park still has as its fundamental purpose conserving, providing for the enjoyment of, and preventing the impairment of that park's full range of park resources and values, including natural resources and values.

1.4.4 The Application of Specific, Different Laws

The only exceptions to the general legislative provisions quoted above are those provided by Congress. Since the General Authorities Act provides that such statutory exceptions must be direct and specific, they must be found in the express terms of the other legislation, not inferred from it. Examples of such direct and specific provisions are statutory provisions allowing the picking of cactus fruit by Indians of the Tohono O'odham Indian Reservation at Organ Pipe Cactus National Monument, hunting at Gulf Islands National Seashore, and subsistence uses in some national parks in Alaska. In these cases, of course, the NPS must faithfully follow the specific legislative provisions.

1.4.5 The NPS Obligation To Conserve Park Resources and Values

The Organic Act and the General Authorities Act establish a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, including providing for enjoyment of it or conserving other park resources and values, so long as the impact does not constitute impairment of the affected resources and values.

1.4.6 The NPS Obligation To Provide for Public Enjoyment of Parks

The laws clearly establish that enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks.

Congress, recognizing that the enjoyment by future generations of the national parks can be assured only if the superb quality of park resources and values is left unimpaired, has provided that when there is an unavoidable conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. There are dual elements to the Organic Act's single fundamental purpose, but those elements are not equal. Rather, the Act is explicit that enjoyment of park resources and values is to be allowed only to the extent that can be done without impairing those resources and values. This provision, the cornerstone of the Organic Act, assures continuation of the American people's present and future opportunities for enjoyment of the parks.

1.4.7 The NPS Obligation To Prevent the Impairment of Park Resources and Values

Preserving park resources and values unimpaired is the core responsibility of NPS managers. Impairment of park resources or values, as defined above, is not permissible under the law, unless directly and specifically authorized by Congress. Any impact constituting an impairment is prohibited no matter how long the impairment would last – regardless of whether it would be a temporary, short-term, long-term, or permanent impairment.

1.4.8 Principles Guiding NPS Decisions on Conserving, Providing for Enjoyment of, and Preventing Impairment of Park Resources and Values

In making decisions on how to conserve, provide for enjoyment of, and prevent impairment of park resources and values, NPS managers must be guided by the values expressed by Congress in the Organic Act and the General Authorities Act. This means that NPS managers, in making their management decisions, must assure the preservation of the high public value and integrity of the national park system, the national dignity of parks, the superlative environmental quality of parks, and the important role of parks in providing benefit and inspiration for all the people of the United States.

1.4.9 Review of Proposed Activities For Possible Impairments of Park Resources and Values

Before approving a proposed action about which there is a reasonable question whether it could lead to an impairment of park resources and values, a NPS manager must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. The factors that must be considered are:

1. The park resources and values that would be affected. An impact to any park resource or value may constitute impairment. However, an impact is more likely to constitute impairment if it affects a resource or value that has been specifically identified for protection in the establishing legislation or proclamation of the park, or whose conservation has been emphasized in the park's general management plan or other relevant NPS planning documents.
2. The extent of the impact, including both direct and indirect impacts. The greater the adverse effect on

park resources and values, the more likely the impact is to constitute impairment.

3. The duration of the impact. An impact lasting any length of time may be impairment. However, an impact that is long-lasting, permanent, or irreversible is more likely to constitute an impairment than one that is short-lived, temporary, or reversible.
4. The timing of the impact. An impact occurring during a time that is particularly important to the resource or value being affected, such as during a species's breeding season, is more likely to constitute impairment than an impact occurring at other times.
5. The cumulative effect of the impact and other, prior impacts on park resources and values.

In evaluating the above factors, the NPS manager must conduct and consider environmental assessments or environmental impact statements, when they are required by the National Environmental Policy Act of 1969; consider relevant results of scientific studies of the park resources that could be affected, including when that is required by section 206 of the National Parks Omnibus Management Act of 1998; and seek and consider public comments.

1.4.10 Reviewing and Remedying Existing Impairments of Park Resources and Values

When there is a reasonable question about whether ongoing activities have led or are leading to an impairment of park resources or values, NPS managers must investigate and determine if there is, or will be, an impairment. If so, the managers must take appropriate action, to the extent possible within NPS authorities and available resources, to eliminate the impairment. If it is necessary to prohibit or limit a particular public use, the superintendent will ensure that the need for the action is fully explained to visitors and the general public.

1.4.11 External Threats To Park Resources and Values

The legislative mandates to the NPS to preserve park resources and values and leave them unimpaired applies to threats to those resources and values from outside parks as well as from within parks. However, the NPS has more limited authority to influence activities outside parks than it does in parks. The authorities the Park Service does have should be used fully to conserve park resources and values from external impacts, especially those impacts that would impair park resources and values.

Often, the best way for NPS managers to preserve park resources and values from external impacts is to participate in cooperative efforts with other federal, tribal, state, local, and private organizations and landowners to anticipate, avoid, and resolve potential conflicts. The NPS emphasis in such cooperative efforts will be on protecting park resources and values, providing for public enjoyment of those resources and values, and being a good neighbor in helping to provide for the common benefit of all the people of the United States.

1.5 ENVIRONMENTAL LEADERSHIP

Given the scope of its responsibility for the resources and values entrusted to its care, the Service has an obligation as well as a unique opportunity to demonstrate leadership in environmental stewardship. The NPS must lead by example not only for visitors, other governmental agencies, the private sector, and the public at large, but also to a worldwide audience. Touching so many lives, the Service's management of the parks must awaken the potential of each individual to play a pro-active role in protecting the environment.

Environmental leadership will be demonstrated in all aspects of NPS activities, including policy development, park planning, all aspects of park operations, land protection, natural and cultural resource management, wilderness management, interpretation and education, facilities management, and commercial visitor services. In demonstrating environmental leadership, the Service will continually assess the impact its operations have on natural and cultural resources so that it may identify areas for improvement. The Service will institutionalize an assessment process, through a Service-wide environmental auditing program, that will evaluate a broad array of NPS activities for meeting the highest standards of environmental protection and compliance. The program will also screen for opportunities to implement sustainable practices and tangibly demonstrate the highest levels of environmental ethic.

1.6 ACCOUNTABILITY

1.6.1 Management Accountability

Management accountability is the expectation that managers are responsible for the quality and timeliness of program performance, increasing productivity, controlling costs, and mitigating adverse aspects of agency operations, and for assuring that programs are managed with integrity and in compliance with applicable law.

The National Park Service will comply with the OMB Circular A-123 and the Federal Managers' Financial Integrity Act of 1982 (31 USC 3512), which require that all federal agencies and individual managers take systematic and pro-active measures to: (1) develop and implement appropriate, cost-effective management controls for results-oriented management; (2) assess the adequacy of management controls in federal programs and operations; (3) identify needed improvements; (4) take corresponding corrective action; and, (5) report annually on management controls.

The Service will apply the concept of management accountability to all strategies, plans, guidance, and procedures that govern programs and operations throughout the Service, including those at the park level, the program center level, and the Service-wide level.

1.6.2 Government Performance and Results Act (GPRA)

As the business system for the National Park Service, performance management will be used to set goals and track accomplishments. Service-wide strategic plans, annual performance plans, and annual performance reports will be prepared, distributed, used and analyzed for management accountability. These requirements are based on the Government Performance and Results Act of 1993 (GPRA). In accordance with GPRA:

Strategic plans will be developed and updated at all organizational levels Service-wide. These plans will drive budgeting and resource allocation decisions, and represent the Service's performance agreement with the American people.

The superintendent of each park will prepare and make available to the public a 5-year strategic plan, an annual performance plan, and an annual performance report. The strategic plan and annual performance plan will reflect NPS policies and goals stated in the Service-wide Strategic Plan. The park annual performance report will show accomplishments or results toward stated goals to evaluate organizational and individual performance. NPS GPRA goals must be consistent with the *Management Policies*

Park superintendents and other Park Service managers will implement a performance management system that focuses on achieving, through daily operations, the desired conditions or results identified in the plans.

(See Park Annual Performance Planning and Annual Performance Plans 2.3.4)

1.7 INFORMATION RESOURCES MANAGEMENT

Information resources management, and the technology it uses, is an essential tool to help achieve the National Park Service mission. The future of the Service as an organization, and the future of individual parks, depends heavily on the availability, management, and dissemination of comprehensive and valid information. Information about park resources must be gathered, organized, protected, and maintained to meet current and future park needs, public needs, and the requirements of law.

National Park Service information resources are created and maintained in a variety of different media, all of which contribute to the vast library about the nation's heritage. Paper records, electronic documents, maps, databases, photography, video, and audio media all are part of the information resources managed by the NPS. The NPS will support professional-quality information management programs to preserve, manage, integrate, and make these resources accessible.

1.7.1 Information Technologies

Advances in technology will continue to create new capabilities to compile and archive information about parks, and to disseminate that information in useful ways to a broad spectrum of customers. The Service will keep abreast of, and implement as appropriate, the most current information management tools and technologies so that it may function as a modern organization; manage information resources well; share information effectively; and achieve the level of accountability that the Administration, Congress, and the

public demand.

The Service will use these tools and technologies to respond to the growing demand from visitors, schools and universities, scientists and researchers, and others for information about America's natural and cultural heritage found in national parks, and the national experiences and values they represent.

1.7.2 Information Sharing

Information about the parks and the national park system is of great value to other government agencies and other potential NPS partners. To allow for the widest possible knowledge and discussion about the national park system and its natural and cultural resources, NPS information will be shared with those agencies and interests (except where disclosure could jeopardize specific park resources, or violate legal or confidentiality requirements). The use of library science, GIS, and World Wide Web technologies will enable the NPS to link to vast amounts of information, and also have its information widely shared. The Service's information management activities will support good internal decision-making and accountability, while providing educational outreach efforts and supporting the informational needs of other agencies, organizations, and individuals regarding the cultural and natural resources in the stewardship of the National Park Service.

1.7.3 Standards and Protocols

The Service is committed to the long-term management of the information it develops and maintains about parks and their resources. The Service will manage that information in accordance with standards and protocols that ensure the information is adequately protected, yet capable of being linked and shared with others in the most efficient and effective ways.

(See Studies and Collections 4.2, Research 5.1, Interpretation and Education Services Beyond Park Boundaries 7.5.2, Director's Order #84: NPS Library Programs, Director's Order #70: Internet and Intranet Publications)

1.8 AN ENDURING MESSAGE

The need for management policies in the National Park Service was first articulated by Secretary of the Interior Franklin K. Lane in a letter to the first Director of the National Park Service, Stephen T. Mather, on May 13, 1918. Secretary Lane stated that administrative policy should be based on three broad principles based on the 1916 Organic Act:

First, that the national parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time; second, that they are set apart for the use, observation, health, and pleasure of the people; and third, that the national interest must dictate all decisions affecting public or private enterprise in the parks.

Although subsequent laws, sources of impairment, and the Park Service's ability to prevent impairment have evolved over time, these principles remain as valid today as they were when they were first written.